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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,396	07/31/2001	Raghunandan Sanjeev	TC00113	3425

22863 7590 03/07/2005

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,396

Applicant(s)

SANJEEV ET AL.

Examiner

Alan S Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/31/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3, 12 and 23 objected to because of the following informalities: replace “vis versa” with “vice versa”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No. 6,801,942 to Dietrich et al. (hereafter Dietrich).
4. As per claims 1, 12, 21 and 32, Dietrich discloses a method (Fig. 2) of dynamically configuring access to services (data from the CAN node between a various remote communications node can be retrieved upon request by a remote device, Column 9, lines 40-67, services can include snapshots or memory dumps of segments of memory) between a remote communications node and one or more remote communication devices (Fig. 1, any of the CAN nodes are remote communications nodes relative to the wireless base station, element 210, a remote communications device; element 130 is also the remote communications device). It is important to note that Dietrich discloses the functional items within element 130 can be separate, e.g., not all on one substrate (Column 7, lines 3-10), comprising: determining if the remote communications node (Fig. 1, element 130 is the remote communications node, by definition, by

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communicating with the wireless device, element 210) is communicating with the distributed communications system (distributed system in the context of Dietrich is the system left of the gateway in Fig. 1, element 170, clearly shown by the distributed nodes, elements 110, 120, 160, etc); configuring the remote communications node as a primary gateway if communicating with the distributed communications system (Fig. 1, element 133 is the only, hence, primary gateway if communication occurs between element 133 and nodes not past element 170) and configuring the remote communications node as a secondary gateway if the remote communications node is not communicating with the distributed communications system (the other communications nodes, right of the CAN/CAN gateway shown in Fig. 1, e.g., elements 100 and 102, is communicated via two gateways by the base station, Fig. 1, element 210. It is inherently that a retrieved from say element 180 must pass through gateway 170 first, now the primary gateway, and then through element 133, designated now as the secondary gateway, before being received by the base station, element 210); initializing the remote communications device (Fig. 2, element 310a, and Column 7, lines 42-61); negotiating for services between the remote communications node and a remote communications device (per claim 32, Dietrich discloses establishing communications requires negotiation using identifiers and comparison scheme for communications between the CAN nodes and a gateway device, Column 11, lines 1-27); and dynamically configuring the remote communications node and the remote communications device to optimally access services in a serial configuration (Fig. 2, shows the sequential, serial flow of the access between element 130, the remote communications node, and the other CAN nodes in Fig. 1), wherein the primary and secondary gateways swap roles depending on the directions the message/commands are directed (per claim 12, e.g., if base station sending

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message to CAN node 180, then element 133 is primary gateway while element 170 is the secondary gateway; it is inherent the intent of the Dietrich to implement this communication in the most efficient way possible).

5. As per claims 2-6, 13-15, 22-26 and 33-35, Dietrich discloses claims 1, 12, 21 and 32, respectively, wherein if the remote communications node functions as the secondary gateway (Fig. 1, element 180, is receiving message from element 135 or 210, then it will be the secondary gateway via element 170), then the remote communications device functions as the primary gateway (element 133 is primary gateway), and wherein if the remote communications device functions as the secondary gateway (elements 135 or 210 is receiving messages from element 180, then element 133 is secondary gateway), then the remote communications node functions as the primary gateway (element 170 is primary gateway). Inherently, the minimum and best mode implementation of this communication scheme is utilized by Dietrich to minimize size, weight, power, etc.

6. As per claims 7, 16, 27 and 36, Dietrich discloses claims 1, 12, 21 and 32, respectively, wherein dynamically configuring comprises allocating the primary gateway and the secondary gateway between the remote communications node and the remote communications device based on a user-programmable function (Fig. 3, all the functions used in communication are function calls coded by the user/designer).

7. As per claims 8, 17 and 28, Dietrich discloses claims 1, 12 and 21, respectively, wherein the services are distributed services (services can be obtained across any one of the CAN nodes in Fig. 1).

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8. As per claims 9, 18 and 29, Dietrich discloses claims 1, 12 and 21, respectively, wherein the services determining if the communications node is communicating comprises determining if the remote communications node is communicating with a communications node (Fig. 1, element 130 is the remote communications node and the other CAN nodes that it is communicating with are communication nodes).

9. As per claims 10, 11, 19, 20, 30 and 31, Dietrich discloses claims 1, 12 and 21 wherein determining dynamically configuring comprises negotiating for services between the remote communications node (any of the CAN nodes in Fig. 1) and a plurality of remote communications devices (remote devices are cellphone/basestation in Fig. 1, wherein the remote communications node is chosen as the primary gateway and one of the plurality of remote communications devices is chosen as the secondary gateway or vice versa (per claim 32, Dietrich discloses establishing communications requires negotiation using identifiers and comparison scheme for communications between the CAN nodes and a gateway device, Column 11, lines 1-27).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to remote communication between network devices and network nodes through gateways:

U.S. Pat. No. US006826607B1 to Gelvin et al.

U.S. Pat. No. US006757712B1 to Bastian et al.

U.S. Pat. No. US006757521B1 to Ying

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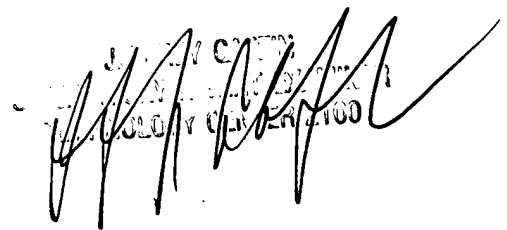
U.S. Pat. No. US006484082B1 to Millsap et al.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
3/2/2005

A handwritten signature in black ink, appearing to read "Alan S. Chen", is written over a faint, circular official stamp. The signature is fluid and cursive.